



# ***New Bedford Police Department***

## ***Division of Professional Standards***

871 Rockdale Avenue, New Bedford, MA 02740  
Phone: 508-991-6300 x-79406 Fax: 508-979-1566

**JONATHAN F. MITCHELL**  
Mayor

**JOSEPH C. CORDEIRO**  
Chief of Police

**PAUL J. OLIVEIRA**  
Deputy Chief

December 10, 2018

Evan Anderson  
MuckRock News  
DEPT MR 64828  
411A Highland Ave  
Somerville, MA 02144-2516

Sent via email to: [64828-66397393@requests.muckrock.com](mailto:64828-66397393@requests.muckrock.com)

Re: Public Records Request for Internal Affairs file of Emanuel Maciel

Dear Evan:

I write in response to your December 4, 2018 email requesting records pursuant to M.G.L. c. 66, section 10 (the "Public Records Law"). You requested, "[t]he internal affairs file of ACO Emanuel Maciel."

The Division of Professional Standards has identified (5) reports that are responsive to your request, including: Report # 17-1911, Report # 17-1901, Report #12-1637, Report # 09-1431, and Report #01-0011. In addition, the Division of Professional Standards has one open case involving Emanuel Maciel for which a final report has not been issued. The total number of pages is approximately 110.

Before providing you with the responsive documents, we will need to review them and make any redactions that are required by law, including the following information:

- Victim and victim family information pursuant to M.G.L. Chapter 66, § 10B.
- Sex victim and rape report information pursuant to M.G.L. Chapter 265, § 24C and M.G.L. Chapter 41, § 97D,
- Domestic violence reports pursuant to M.G.L. Chapter 41, § 97D1.
- Juvenile Delinquency case information pursuant to Chapter 119, § 60A.
- Registry of Motor Vehicle information pursuant to the Driver's Privacy Protection Act, 18 U.S.C. § 2721.

- Criminal Offender Record Information pursuant to M.G.L. Chapter 6, § 167.
- Medical records pursuant to the HIPPA Privacy Rule, 45 C.F.R. § 164.502(a)(1).

We estimate that it will take 1 hour to review, redact, and reproduce each professional standards report. This estimate was calculated based upon the time spent fulfilling similar requests.

The actual amount of time it will take the City to review, redact, and reproduce the responsive records might differ from this estimate.

The lowest paid employee capable of reviewing and redacting the responsive records is the Legal Services Coordinator in the City Solicitor's Office, whose hourly rate is \$32.62. However, we will charge you \$25.00 per hour for reviewing and redacting the records plus five cents a page for reproduction. We are therefore seeking payment of \$80.50. The breakdown is as follows:

110 pages x .05 per page	=	\$ 5.50
2 hours for least paid person capable of performing duties	=	\$ 0.00
3 hours for least paid person capable of performing duties at \$25.00/hr.	=	<u>\$75.00</u>
<b>TOTAL COST</b>		<b>\$80.50</b>

Kindly send a certified check or money order made payable to the City of New Bedford in the amount of \$80.50 to Captain Ricard Rezendes, Division of Professional Standards, New Bedford Police Department, 1204 Purchase Street, New Bedford, MA 02740. Once payment is received the Police Department will begin to process your request.

We recognize the fee is significant and are willing to work with you to modify the scope of your request and reduce the fee. If you wish to modify your request please contact me at (508) 991-6300, ext. 79561 or [ricard.rezendes@newbedfordpd.com](mailto:ricard.rezendes@newbedfordpd.com).

You have the right to appeal this determination to the Supervisor of Records under 950 CMR 32.081(1) within 90 calendar days of this response. Any appeal shall be in writing and include a copy of your original request and this letter. By law, the Supervisor is required to respond within 10 business days of receipt of your appeal. You may also seek judicial review of an unfavorable response by commencing a civil action in the superior court under G.L. c. 66, section 10A(c).

Respectfully submitted,



Captain Ricard Rezendes  
New Bedford Police Department